

United States Court of Appeals For the First Circuit

No. 10-2500

VICKY RODRÍGUEZ-TORRES, ET AL.,

Plaintiffs, Appellants,

v.

GOVERNMENT DEVELOPMENT BANK OF PUERTO RICO, ET AL.,

Defendants, Appellees,

WIGBERTO LUGO-MENDER,

Trustee.

Before

Torruella, Selya and Lipez,
Circuit Judges.

JUDGMENT

Entered: March 13, 2012

Plaintiffs appeal from a summary judgment ruling based on judicial estoppel, which we review for abuse of discretion. See Alternative Sys. Concepts, Inc. v. Synopsys, Inc., 374 F.3d 23, 30-31 (1st Cir. 2004). The district court found plaintiffs judicially estopped from pursuing this employment retaliation case due to the primary plaintiff's failure to disclose the case to the bankruptcy court in her Chapter 7 proceeding. We perceive no abuse of discretion by the district court in the circumstances of this case, and we agree with the district court's disposition of plaintiffs' arguments. We add only the following comments.

First, to the extent plaintiffs claim that this retaliation case was represented by plaintiffs' original discrimination case which was disclosed to the bankruptcy court, plaintiffs do not cite any facts or law in support of their position, and it is clear that the cases were separate and distinct.

Second, to the extent plaintiffs attempt to rely on the transcript of an 11 U.S.C. § 341 meeting with the Chapter 7 Trustee in support of their position, this transcript was not part of the district court record, and does not aid plaintiffs in any event.

Defendants' request for sanctions, contained within its two motions to strike plaintiffs' brief, is granted as follows. Sanctions in the amount of \$2,000 are awarded in favor of defendants, to be paid personally by plaintiffs' counsel, William Meléndez-Menéndez, without recourse to reimbursement from his clients.

The judgment of the district court is affirmed. See 1st Cir. R. 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk.

cc:

William E. Melendez-Menendez
Miguel A. Cuadros-Pesquera
Erika Berrios-Berrios
Lourdes C. Hernandez-Venegas
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